

#### **REMARKS**

The May 4, 2005 Official Action and the references cited therein have been carefully reviewed. In view of the amendments presented herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, Applicants wish to thank Examiner Whisenant for taking the time to conduct a telephonic interview regarding Applicant's failure to receive papers in a timely fashion due to an error in the correspondence address that occurred at the USPTO. Applicant also thanks the Examiner for correcting this error and resetting the clock for response to the Official Action.

At page 2 of the Official Action, the Examiner has rejected claims 14-21 under 35 U.S.C. §103 as allegedly obvious over Lin et al., Cancer Research (1992), in view of Lin et al., J. Biological Chemistry (1998).

Applicant respectfully submits that the claims as originally filed are in condition for allowance. The above-noted rejection under 35 U.S.C. §103 is, therefore, respectfully traversed.

#### **THE SUBJECT MATTER ENCOMPASSED BY CLAIMS 14-21 IS NOT OBVIOUS OVER LIN ET AL. (1992) IN VIEW OF LIN ET AL. (1998)**

The Examiner has rejected claim 14-21 under 35 U.S.C. §103 as allegedly obvious over Lin et al. (1992) in view of Lin et al. (1998).

Lin et al. (1998) is not citable as prior art in the present case, as the law is well settled that one's own work is not prior art under §102(a) even though it has been disclosed to the public in a manner or form which otherwise would fall

under §102(a). In re Katz, 215 U.S.P.Q. 14 (CCPA 1982).  
Consequently, Lin et al. (1998) cannot support a rejection  
under 35 U.S.C. §103. Ex Parte Oetiker, 23 U.S.P.Q.2d 1641  
(BPAI 1992).

Lin et al. was published in March of 1998, less than  
a year prior to the priority date of the instant application  
which is January 21, 1999. The other co-authors listed on  
this manuscript (Tzu-Ching Meng, Prathibha S. Rao, Chawnshang  
Chang, Axel H. Schonthal, and Fen-Fen Lin) are not co-  
inventors of the invention presently claimed in the present  
application.

Attached hereto is a Declaration from Dr. Lin  
averring that he is the sole inventor of the subject matter  
presently claimed.

In light of the foregoing, it is clear that the  
rejection under 35 U.S.C. §103 based on the combination of  
these two references is improper and should be withdrawn.

#### CONCLUSION

The pending claims in this application are clearly in  
condition for allowance. Accordingly, it is respectfully  
urged that the rejections set forth in the May 4, 2005  
Official Action be withdrawn and that this application be  
passed to issue. In the event the Examiner is not persuaded  
as to the allowability of any claim, and it appears that any  
outstanding issues may be resolved through a telephone  
interview, the Examiner is requested to telephone the  
undersigned attorney at the phone number given below.

Respectfully submitted,

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